

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4494 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

DINUBHAI C TRIVEDI

Versus

H K TODIWALA

Appearance:

MR NK MAJMUDAR for the Petitioner

MR NIGAM SHUKLA for the Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 07/08/96

ORAL JUDGEMENT

1. Heard learned counsel for the parties. The petitioner, a recognised agent by R.T.O. Baroda, filed this Special Civil Application challenging thereunder the order dated 22-8-1984 of the Regional Transport Officer, Baroda under which his licence has been suspended. It is not in dispute that the licence of the petitioner was suspended on the ground that a criminal case for the offence under sec. 332, 504 of the I.P.C. was pending

against the petitioner. It is also not in dispute that the licence has been suspended till the criminal case which has been filed against the petitioner is decided.

2. The counsel for the petitioner made a statement before this Court that in criminal case, the reference of which is given above and on the ground on which the licence of the petitioner was suspended, the petitioner has already been acquitted.

3. Shri Nigam Shukla the counsel for the respondent does not dispute this position.

4. The ground on which the order of the suspension of the licence of the petitioner has been made and the period till which the licence of the petitioner has been suspended, has come to an end, on rendering of the decision in the criminal case filed against the petitioner. The basis of the order of the suspension of the licence of the petitioner goes and as such, this order cannot be allowed to stand. Otherwise also, the operation of this order is stayed by this court and that interim relief continues till this date.

5. In the result, this Special Civil Application is disposed of with the direction that the order of suspension of the licence of the petitioner dated 22-8-1984 may not be given effect to. Rule is discharged subject to the aforesaid direction with no order as to costs.
